

20.02.2025
Item No.31
Court No. 26
CHC
Rejected

CRM (DB) 4236 of 2024

In re : An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973/ Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Gobardanga** Police Station Case No. **257 of 2021** dated **31.10.2021** under Sections 363/365 of the Indian Penal Code, 1860, subsequently adding Section 376(3) of the Indian Penal Code, 1860, read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

-And-

In the matter of : **Babai Sardar**

... ...**Petitioner**

Mr. Niladri Sekhar Ghosh, Advocate
Ms. Sompurna Chatterjee, Advocate
Ms. Laboni Sikder, Advocate
Mr. Sourov Mondal, Advocate
Mr. Souvik Dey, Advocate

... ... For the Petitioner

Mr. Anand Keshari, Advocate
Ms. Nahid Ahmed, Advocate

... ...For the State

1. Petitioner prays for bail being in custody for one year nine months on the ground victim herself exonerated the petitioner.
2. We were invited by the petitioner to consider the deposition of the victim as recorded by the learned trial Judge.
3. Victim is 12 years old. She became pregnant after entering into a physical relationship with the petitioner.
4. Physical relationship between the petitioner and the victim stands established at the trial. Again as noted above, the victim is 12 years old. This deposition, by any stretch of

imagination, cannot be construed exonerating the guilt of the petitioner.

5. In such circumstances, we are not inclined to grant bail to the petitioner.
6. Prayer for bail of the petitioner is **rejected**.
7. CRM(DB) 4236 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)